

NOT INTENDED FOR PUBLICATION IN PRINT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

TAMARA WELDER-KAYS,)	
)	
Plaintiff,)	
vs.)	NO. 4:04-cv-00240-SEB-WGH
)	
KLEINERT KUTZ & ASSOCIATES HAND)	
CARE CENTER LONG TERM)	
DISABILITY PLAN,)	
THE PRUDENTIAL INSURANCE)	
COMPANY OF AMERICA,)	
DANIEL DOUGHERTY,)	
)	
Defendants.)	

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

TAMARA WELDER-KAYS,

Plaintiff,

vs.

KLEINERT KUTZ & ASSOCIATES HAND
CARE CENTER LONG TERM DISABILITY
PLAN, THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA, and DANIEL
DOUGHERTY,

Defendant.

4:04-CV-0240 SEB WGH

ORDER TO SHOW CAUSE

The Court has granted Defendant Daniel Dougherty's ("Mr. Dougherty") Motion to Dismiss. Although the motion ostensibly only applied to the claims against Mr. Dougherty personally, the legal principles he cites appear to apply in equal degree to claims against Defendant Prudential Insurance Company of America ("Prudential"). This issue warrants a response from Plaintiff. Plaintiff is thereby allowed time within which to file a Response Brief on why Defendant Prudential should not be dismissed on the same grounds cited in our order dismissing Mr. Dougherty.

The Court hereby ORDERS Tamara Welder-Kay to SHOW CAUSE, on or before September 9, 2005, why her claims against Prudential should not be dismissed as failing to state a claim under ERISA. **FAILURE TO RESPOND TO THIS ORDER IN WRITING ON OR BEFORE SEPTEMBER 9, 2005, WILL RESULT IN THE DISMISSAL OF THESE CLAIMS WITH PREJUDICE. IT IS SO ORDERED.**

Date: _____

SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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